

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

RUSSELL MARINE LLC

VERSUS

The OKINAWA, her tackle, furniture,
apparel, appurtenances, etc. *in rem*

* CIVIL ACTION

*

* NO.

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* SECTION “ “ MAGISTRATE #

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* JUDGE

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* MAGISTRATE

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VERIFIED COMPLAINT

NOW INTO COURT, through undersigned counsel, comes complainant, Russell Marine LLC and for its Verified Complaint against the OKINAWA, her tackle, furniture, apparel, appurtenances, etc., *in rem* stating an admiralty and maritime claim within this Honorable Court's admiralty and maritime jurisdiction, in accordance with Rule 9(h) of the Federal Rules of Civil Procedure and Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims, with respect, allege upon information and belief as follows:

JURISDICTION AND PARTIES

I.

Jurisdiction is proper in accordance with 28 U.S.C. § 1333, Rule 9(h) of the Federal Rules of Civil Procedure and Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims. Venue is also proper in this district in accordance with 28 U.S.C. § 1391(b)(2) and (d) and Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims.

II.

At all material times, plaintiff, Russell Marine LLC was and now is a limited liability company registered under the laws of the state of Texas, and doing business within the state of Texas.

III.

At all material times, defendant (the Vessel), IMO Number 9376361, was and still is a 224.9m x 32.3m bulk carrier, registered in Liberia with a gross tonnage of 42,747 tons. The *in rem* defendant vessel is now, or will during the pendency of this lawsuit, be upon the navigable waters of Louisiana, within this district and within the jurisdiction of this Honorable Court.

V.

On July 4, 2018 the OKINAWA entered into Hunting Bayou Turning Basin located near Houston, Texas headed inbound and began turning around to head outbound when it struck Russell Marine LLC's spudded down crane barge I-150B pushing the barge down the turning basin 150 to 200 yards causing damage to the barge

and spuds. According to United States Coast Guard vessel traffic, Houston Pilot #164, who was operating the OKINAWA, reported contact with the unmanned crane barge.

VIII.

Russell Marine LLC is entitled to recover directly from the OKINAWA for the damages sustained to crane barge I-150B, and is legally entitled to seize the OKINAWA pursuant to its rights under the general maritime law and admiralty laws of the United States, and have the Vessel sold to satisfy any judgments, which might be rendered in this matter. *Winter v. Eon Production, LTD.*, 433 F. Supp. 742, 1976 U.S. Dist. LEXIS 14967 (citing the CHINA, 1868, 74 U.S. (7 Wall.) 53, 19 L.Ed. 67).

IX.

The OKINAWA is justly indebted to Russell Marine LLC for the damage caused to crane barge I-150B by Pilot #164 as aforesaid and as to be shown more particularly at trial.

X.

Russell Marine LLC reserves the right to amend any article of this Verified Complaint as facts become better known.

XII.

In accordance with applicable Local Admiralty Rules, Russell Marine LLC agrees to hold harmless and indemnify the U.S. Marshal and all of its deputies for any and all liabilities as a result of seizing the aforesaid property.

WHEREFORE, complainant, Russell Marine LLC, prays:

1. For process *in rem* pursuant to Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure be issued by the Court against the OKINAWA, her tackle, furniture, apparel, appurtenances, etc., and that all persons having a claim and interest therein be cited to appear herein and answer, under oath, all and singular matters aforesaid, and that the OKINAWA be seized, condemned and sold to satisfy all amounts owed to Russell Marine LLC, as set forth herein;
3. For Judgment *in rem*, against the OKINAWA in the full amount due as set forth herein, including pre-judgment interest, costs, seizure expenses and all attorney's fees;
4. That any property arrested in this proceeding be sold under the direction of this Court and that the proceeds of the sale be brought into the Court to satisfy all monies owed to Russell Marine LLC as set forth herein;
5. That defendant be cited to appear and answer the matters aforesaid; and
6. That this Honorable Court grant plaintiff such other and further relief which it may deem just and proper.

Respectfully submitted,

/s/ Christy L. Johnson

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